

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, July 25, 2006
Tuesday, 9:41 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp; present. (Council Member Skelton absent with prior notice).

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

The Minutes of the July 18, 2006 meeting were approved 6 to 0, (Skelton absent)

CONSENT AGENDA

Motion--
--carried

Mayans moved that the consent agenda items be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Skelton absent).

BOARD OF BIDS**REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JULY 24, 2006.**

Bids were opened July 21, 2006, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Wilson Estates Court from the north line of Wilson Estates Parkway to and including the cul-de-sac serving Lots 1 through 12, Block 1 to serve Legacy Park Wilson Estates 3rd Addition - south of 21st Street, west of Webb Road. (472-84404/766102/490119) Traffic to be maintained using flagpersons and barricades. (District II)

Cornejo & Sons Construction - \$189,328.45

Storm Water Drain #263 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler Road. (468-83997/751424/485315) Traffic to be maintained using flagpersons and barricades. (District V)

Unruh Excavating -\$163,138.00 (Total base bid)
26,676.00 (Add alternate)
\$189,814.00 (Total bid)

Lateral 3, Main 6 (Part D) Northwest Interceptor Sewer to serve Fox Ridge Addition, Phase 9 north of 29th Street North, east of Maize Road. (468-84202/744189/480877). Does not affect existing traffic. (District V)

Duling Construction - \$182,860.00

Water Distribution System to serve Fox Ridge Addition - north of 29th Street North, east of Maize Road. (448-90204/735326/470997). (District V).

Mies Construction - \$84,783.00

Motion--
--carried

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0, (Skelton absent).

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Parks and Recreation Department/Recreation Division; Osage Recreation Center Renovations

Sutherland Builders Inc. - \$19,350.00

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0, (Skelton absent).

CMB

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
Mark T. Ryan	Ryan Boys Inc. dba Two Brothers BBQ	300 South Greenwich Road

Motion --carried

Mayans moved that license be approved, subject to Staff review and approval. Motion carried 6 to 0; (Skelton absent)

PRELIMINARY EST. PRELIMINARY ESTIMATES:

- a) Bayside Court from the west line of West Street to and including the cul-de-sac; Bayside from the north line of Bayside Court to the north line of Paradise; Paradise/Paradise Court from the south line of Emerald Bay Estates Addition to and including the cul-de-sac to serve Emerald Bay Estates Addition (north of 21st Street North, west of West Street) (472-84364/765981/490096) Does not affect existing traffic. (District V) - \$842,000
- b) Fawnwood from the north line of Valley Hi Road, north to the north line of the plat; Bayside Court from the west line of West Street to and including the cul-de-sac; Bayside Fawnwood Court (Lots 65 thru 73, Block A) from the west line of Fawnwood, west to and including the cul-de-sac; Valley Hi Road and Valley Hi Circle from the west line of Lot 31, Block G, west to and including the cul-de-sac; Fawnwood Court (Lots 39 thru 48, Block A) from the west line of Fawnwood west to and including the cul-de-sac; Fawnwood Court (Lots 49 thru 61, Block A) from the west line of Fawnwood west to and including the cul-de-sac; Fawnwood Court (Lots 34 thru 40, Block G) from the east line of Fawnwood, east to and including the cul-de-sac; Fawnwood Court (Lots 41 thru 46, Block G) from the east line of Fawnwood, east to and including the cul-de-sac; Sidewalk on Fawnwood and Valley Hi Road to serve Auburn Hills 16th Addition - south of Maple, east of 151st Street West. (472-84291/765999/490116) Does not affect existing traffic. (District V) - \$974,000
- c) 2006 Contract Maintenance Bridgedeck Repair of Mt Vernon over I-135 (472-84374/132719/) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$300,000.
- d) Lateral 84, Main 22 War Industries Sewer to serve Brighton Courts Addition - south of 21st Street North, west of Webb. (468-83673/744186/480874) Does not affect existing traffic. (District II) - \$78,880.
- e) City View from the north line of Lot 37, Block C, north to the northwest line of the plat; Burton from the east line of City View, east to the southeasterly line of Lot 26, Block C; Texas Circle from the north line of Burton, northeasterly to and including the cul-de-sac; Burton Court from the south line of Burton, south and east to and including the cul-de-sac; Sidewalk on one side of City View and Burton to serve Shadow Woods Addition - north of Maple, west of 135th Street West. (472-84060/765982/490097) Does not affect existing traffic. (District V) - \$430,000.

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- f) Cost of construction of Storm Water Drain #264 to serve Avalon Park Addition - north of 37th Street North, east of Maize. (District V) (468-84011/751401/485-292) – Total Estimated Cost \$170,748.

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 6 to 0, (Skelton absent).

LILLIE ADD.

PETITION TO CONSTRUCT PAVING, SANITARY SEWER, DRAINAGE AND WATER IMPROVEMENTS IN LILLIE ADDITION, SOUTH OF MAPLE, WEST OF MAIZE. (DISTRICT V)

Agenda Report No. 06-0759

The Petitions have been signed by one owner representing 100% of the improvement districts.

The projects will provide paving, sanitary sewer, drainage and water improvements within a commercial development located south of Maple, west of Maize.

The Petitions total \$734,000. The funding source is special assessments.

These projects address the Efficient Infrastructure goal by providing for the construction of paving, sanitary sewer, drainage and water improvements in a new subdivision. They also address the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by owners of the majority of property in the improvement district.

Motion--
--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO. 06-401

Resolution of findings of advisability and resolution authorizing constructing pavement on Maize Court from the west line of Maize Road, west to and including the cul-de-sac (south of Maple, west of Maize) 472-84286 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO 06-402

Resolution of findings of advisability and resolution authorizing construction of lateral 38, main 1, Cowskin interceptor sewer (south of Maple, west of Maize) 468-84081 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO 06-403

Resolution of findings of advisability and resolution authorizing improving storm water drain no 298 (south of Maple, west of Maize) 468-84208 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Skelton absent).

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RESOLUTION NO 06-404

Resolution of findings of advisability and resolution authorizing construction of water distribution system number 448-90116 (south of Maple, west of Maize) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Skelton absent).

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures submitted.

AGREEMENTS/CONTRACTS:

FIRE TRAIN. GRNDS FACILITY IMPROVEMENTS AT FIRE TRAINING GROUNDS.

Agenda Report No. 06-0760

The Fire Training Facility located at 4780 E 31st S., is the primary source of fire safety / rescue training facility in Wichita, which provides a safe controlled environment for fire training for local fire fighters and EMS.

City Council on their March 28, 2006 meeting approved a CIP project, which would provide needed improvements, repairs, and modifications to the facility and authorized staff to select a consultant.

On May 12, 2006 Purchasing issued RFP FP600051 for Professional Services for Improvements at the Fire Training Facility. Only one firm responded to the RFP, Gossen Livingston Architecture (GLA).

They propose to provide architectural and engineering services including design, construction documents, and construction administration for the planned improvements/modifications for a single stipulated lump sum fee of one hundred eighteen thousand eight hundred twenty dollars (\$118,820.00).

Since this was a "single source response" and the firm responding is already heavily involved with the fire training facility for the Readiness Center Facility and their proposed fee is within the approved budget a contract was negotiated without the Staff Screening and Selection Committee being convened.

Funding for the project is budgeted in the 2006 Capital Improvement Program. The Capital Improvement Program includes \$750,000 for concrete repair, and \$950,000 for replacing the burn tower for a combined total of \$1.7 million. This funding will cover design, construction, and construction administration of the project. Funding is provided by General Obligation Bonds (Project No. 435419; OCA No. 792487)

The goal impact is to provide a Safe and Secure Community through more adequate fire training facilities.

The Law Department has approved the Contract as to form.

Motion--
--carried

Mayans moved that Agreement/Contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

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ODOR CONTROL

SEWAGE TREATMENT ODOR CONTROL TRIAL.

Agenda Report No. 06-0761

The Sewage Treatment Division currently uses ferrous chloride in the collection system for odor control. In the past, ferrous chloride has been fed to control odors in the transmission line for Plant 1 effluent going to Plant 2. Last year's upgrade of Plant 1 prevented the division from using ferrous chloride without costly modifications. Due to this, alternatives to ferrous chloride are being explored.

US Peroxide submitted the attached proposal for ferrous chloride regeneration in the transmission line from Plant 1 to Plant 2. This transmission line has consistently been a source of odors for Plant 2. Regeneration of ferrous chloride would allow Sewage Treatment to attain further use from the chemical, if added upstream of Plant 1 to treat this transmission line. A trial period of one month is proposed to determine whether the use of this product will cost effectively reduce odors at the subject location.

There are sufficient funds in the Sewage Treatment Operating Budget for the cost of mobilization and chemical. The cost of the odor control regeneration trial will be \$21,800. The savings of eliminating the Plant 1 ferrous chloride feed site will offset the cost for adding this product.

The advantages of the US Peroxide odor control product would ensure efficient infrastructure by providing reliable, compliant and secure facilities. Additionally, it would maintain and optimize public facilities and assets.

The Law Department has reviewed and approved the Contract as to form.

Motion--
--carried

Mayans moved that Agreement/Contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

C & D LANDFILL

CONSTRUCTION OF HAUL ROAD AT BROOKS CONSTRUCTION & DEMOLITION (C & D) LANDFILL, HERZOG ENVIRONMENTAL, INC. (DISTRICT VI)

Agenda Report No. 06-0762

The Phase 1 disposal site at Brooks C&D Landfill is nearing capacity and Phase 2 is currently in the permitting process. It is anticipated that permitting will be complete and Phase 2 will be available to receive debris by November 1, 2006. However, due to severe spring hail storms, an unusually large number of roofs are being replaced in Wichita and the surrounding area. As a result, Brooks is receiving triple the debris it typically receives and most of the increase is due to the large number of residential shingles.

At the current rate, it appears Phase 1 at Brooks will be at capacity by September 2006. If this happens, Brooks will have to close until Phase 2 permitting is complete in November.

The Kansas Department of Health and Environment (KDHE) has approved building a haul road in the Phase 2 area using residential shingles. Diverting these shingles, and using them to construct the haul road, will save remaining airspace and extend the life of Phase 1 operations.

Herzog Environmental Inc, the current landfill operations contractor, has provided the City with costs per ton to construct the haul road using only the residential shingles received.

The cost and details are outlined in the agreement and attachment (included). Herzog is prepared to begin this work immediately. The City reserves the right to discontinue this work when it feels diversion of the shingles is no longer necessary. Funds are available in the 2006 Brooks Landfill Post-Closure Budget for this work. The cost of the work outlined in the agreement is not to exceed \$75,000.

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This work will support the Core Area and Neighborhood Goal by continuing to provide affordable C&D waste disposal for the public and City of Wichita cleanup crews. The continued operation of the C&D Landfill is vital to maintain the cleanliness and vitality of the city.

The Law Department has approved the agreement with Herzog as to form.

Motion--
--carried

Mayans moved that Agreement/Contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Police & Fire Retirement Board, May 24, 2006
Wichita Employees' Police & Fire Retirement Board, June 1, 2006
District II Advisory Board, June 5, 2006
Board of Code Standards & Appeals, June 5, 2006
Wichita Public Library, June 20, 2006
Housing Advisory Board, June 21, 2006
Public Library Monthly Report, June 2006

Motion--carried

Mayans moved that the minutes be received and filed. Motion carried 6 to 0, (Skelton absent).

CHANGE ORDER

SEWAGE TREATMENT PLANT 1 MODIFICATIONS-CHANGE ORDER.

Utility Contractors Incorporated was awarded a Contract in the amount of \$3,744,000 for the construction of new structures and the rehabilitation of old structures and equipment at Sewage Treatment Plants 1 and 2. To date, there have been three Change Orders for this project.

Change Order No. 3 failed to secure sufficient funds to complete payment for the work. Change Order No 4 will rectify the error that occurred in Change Order No. 3 calculations. The previous Change Order requested a net decrease of \$76,572 be applied to the project. This decrease represented a collection of additive and deductive change requests and a damage settlement between the Wichita Water & Sewer Department and Utility Contractors. Two errors have been identified and are attached to the Change Order as Attachment A.

This Change Order is part of Plant 1 Improvements, CIP S-523. The identified errors in this change request result in an addition to the Contract of \$16,359. The revised Contract will be \$4,041,309, which is \$297,309 more than the original Contract. After this addition, changes represent a 7.9 percent increase. The project has been completed and no additional charges are expected.

Approval of this item will allow the division to achieve the goal of Ensuring Efficient Infrastructure by providing reliable, compliant and secure utilities.

Law has reviewed the Change Order and approved it as to form.

Motion--
--carried

Mayans moved that change order be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

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PRAIRIE VILLA

PURCHASE OPTION, PRAIRIE VILLA AT BEACON HILL, L.L.C. (DISTRICT I)

Agenda Report 06-0770

On April 4, 2006, the Wichita City Council approved the issuance of \$4.7 million in Industrial Revenue Bonds, Series I, 2006. Bond proceeds were used to finance the cost of acquiring, constructing and equipping a senior apartment facility located at 2395 North Beacon Hill Street in northeast Wichita. The Bonds are secured, in part, by a Lease Agreement with Prairie Villa at Beacon Hill, L.L.C. ("Tenant").

Under the provisions of the Lease Agreement the Tenant has the option, if all outstanding bonds and Trustee Fees have been paid, to purchase the facility from the City of Wichita for the sum of \$1,000. The Bonds have matured, and the City received notice from the Tenant of the company's intention to exercise its purchase option on or before August 5, 2006.

Under the terms of the Lease, the City is required to convey its interest in the property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds. The Series I, 2006 Bonds matured by their terms on June 1, 2006. The City has received Trustee certification that the Bonds were fully paid on June 1, 2006, and it is now appropriate for the City to deliver the instruments needed to deed the bond-financed property back to Prairie Villa at Beacon Hill, L.L.C. and terminate the IRB lease and Site Lease. The City has already received payment of the \$1,000 purchase option price.

The purchase price is \$1,000 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met. The City Attorney's Office has approved the form of the attached Resolution to authorize the execution of the Special Warranty Deed and the Termination of Lease Agreement and Site Lease (each in substantially the form attached to the Resolution), and the delivery of such documents following satisfaction of applicable conditions.

Motion--

Mayans moved that the resolution approving the Special Warranty Deed, Bill of Sale and the Termination of Lease Agreement and Site Lease be adopted; and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

--carried

RESOLUTION NO 06-405

A resolution of The City of Wichita, Kansas, authorizing the City convey title to the Series I, 2006 project; authorizing execution of a special warranty deed and termination and release of the lease and site lease; and authorizing the execution of all such other documents necessary to convey title to such property to Prairie Villa at Beacon Hill, L.L.C., presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Skelton absent).

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SETTLEMENT

SETTLEMENT OF CLAIM.

Agenda Report No. 06-0764

This resolves the unresolved issue of the remaining five years of management fee claimed under the original rink development and management contract with Canlan, Inc. This issue was reserved in the severance agreement ending the Canlan's rink management in July 2005.

After evaluating the extent of the claimed damages, and considering the risks of trial, it was determined that a resolution of this matter is appropriate. At issue was the proper calculation of the remaining fee, given the steadily declining performance. After mediation, the City has been offered an opportunity to resolve the action with a significantly discounted lump sum payment as full settlement of this claim. The settlement proposal is \$75,000.00, and the City's one half share of the mediation costs is \$975.00.

Funding for this settlement is from General Fund Reserves.

This settlement furthers the Quality of Life goal. It allows the City to move forward to seek a better return on its investment in the Wichita Ice Center.

The Law Department recommends acceptance of the mediated settlement.

Motion--
--carried

Mayans moved that the payments totaling \$75,975 as a full settlement of the matter be approved. Motion carried 6 to 0, (Skelton absent).

EPA

EPA ASSISTANCE AMENDMENT.

Agenda Report No. 06-0765

On April 1, 2003, the City Council approved a U.S. Environmental Protection Agency (EPA) Special Infrastructure Grant for Sanitary Sewer Rehabilitation Projects. Completed projects include:

1. Canal Route Manhole Reconstruction
2. Reconstruction and/or Rehabilitation of the Sanitary Sewers in the Planeview Subdivision
3. Reconstruction and/or Rehabilitation of the Sanitary Sewers in the Hilltop Subdivision

April 11, 2003, the EPA approved a grant to be used for the replacement of motors at the Hess Pump Station.

On July 11, 2006, the EPA amended the grant for inclusion of Water and Wastewater Infrastructure Improvements consisting of:

- Replacement of motors at Hess Pump Station
- Sanitary sewer rehabilitation and replacement
- Drinking water main and service line replacement

Programmatic Condition No. 1 is being revised to reflect the change in scope. The budget and project periods have been extended to allow sufficient time to complete all proposed construction. The Amended budget period is March 17, 2003 – October 31, 2007.

EPA is requesting that the original Agreement Assistance Amendment be signed and returned within three weeks from notification by August 1, 2006.

The Grant covers all approved expenses up to and not to exceed 55 percent, or \$1,935,700 of the approved budget. The approved budget for these projects is \$3,519,455 as described in the original Grant application, dated April 1, 2003. The City's match will be \$1,583,755. Projects will be funded from CIP W-902, Hess Motor Replacements; CIP S-4, Reconstruction of Old Sanitary Sewers; and CIP W-67, Unidentified Mains Replacement.

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The EPA Grant will help fund projects to ensure efficient infrastructure by providing reliable, compliant and secure utilities. It will supplement funding for projects that assure adequate water distribution and sanitary sewage collection, and are critical components of the City's infrastructure.

The Law Department has approved the EPA Assistance Amendment as to form.

Motion--
--carried

Mayans moved that Assistance Amendment be approved and the necessary signatures authorized.
Motion carried 6 to 0, (Skelton absent).

PROPERTY DISP.

SALE OF SURPLUS PROPERTY LOCATED AT 202 NORTH GOW. (DISTRICT VI)

Agenda Report No. 06-0766

On April 18, 2006, the City Council declared 202 North Gow as a surplus property. The property consists of two typical residential lots. There is a 1954 brick ranch, three bedroom, 1,068 square feet, located on the north lot. The improvements on the south lot have been razed to accommodate the City's Drainage Outfall construction and utility easements. The south lot is no longer a developable tract and would be sold as part of the residential site. The site as a whole is 15,340 square feet and is zoned for Two-Family Use.

With the project completed and the surface restored, the lot has been listed for sale on the open market. There were a number of inquires and three offers to purchase were made. The highest offer received is \$70,125.00 (4.57 per sq. ft.). This will be a cash transaction offsetting the acquisition cost of the lot. This amount is reasonable compared to recent sales in the area and other listings of homes for sale.

The funds received from this transaction will go to Water and Sewer. The City will no longer have to maintain the property and it will go back onto the tax roll.

The disposition of this parcel to a private citizen for residential use increases and sustains the neighborhood vibrancy.

The Law Department has approved the contract as to form.

Motion --
-- carried

Mayans moved that the disposition be approved and the necessary signatures be authorized.
Motion carried 6 to 0, (Skelton absent).

TRAVEL EXP.

APPROVAL OF TRAVEL EXPENSES:

Council Members Fearey and Brewer to participate in Visioneering City-to-City Visit in Richmond, VA, September 13-15, 2006

Council Member Martz to attend NLC Human Development Steering Committee meeting in Vancouver, WA, September 14-17, 2006

Mayor Mayans to attend U.S. Conference of Mayors Fall Leadership Meeting in Santa Barbara, CA, September 14-16, 2006

Council Member Carl Brewer to attend NLC Community and Economic Steering Committee meeting in Milwaukee, WI, September 7-9, 2006.

Motion--carried

Mayans moved that the travel expenses be approved. Motion carried 6 to 0, (Skelton absent).

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JULY 18, 2006).

- a) Park, Recreation and Open Space (PROS) Plan.

ORDINANCE NO. 47-080

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of its general obligation bonds to pay the costs of Preparation of a Park, Recreation and Open Space (PROS) Plan, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 2. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, (Skelton/absent and no on first reading; Mayans, no).

- b) Amendments to Sections 5.10.010 and 5.10.035 of the Code of the City of Wichita, Kansas, pertaining to Assault and Battery of a Law Enforcement Officer.

ORDINANCE NO. 47-081

An Ordinance amending Section 5.10.010 of the Code of the City of Wichita, Kansas, pertaining to the battery of a law enforcement officer and repealing the original of Section 5.01.035 pertaining to battery, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

- c) Repeal Section 5.24.030 of the Code of the City of Wichita, Kansas, pertaining to Disturbing the Peace.

ORDINANCE No. 47-082

An Ordinance repealing Section 5.24.030 of the Code of the City of Wichita pertaining to disturbing the peace, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

- d) Amendments to Section 5.40.010 of the Code of the City of Wichita, Kansas, pertaining to Impersonating a Law Enforcement Officer.

ORDINANCE NO. 47-083

An Ordinance amending Section 5.40.010 of the Code of the City of Wichita, Kansas, pertaining to Personating an officer and repealing the original of said section, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

- e) Amendments to Section 5.42.060 of the Code of the City of Wichita, Kansas, pertaining to Theft of Lost Property.

ORDINANCE NO. 47-084

An Ordinance amending Section 5.42.060 of the Code of the City of Wichita, Kansas, pertaining to theft of lost or mislaid property and repealing the originals of said sections, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

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- f) Amendments to Section 5.64.010 of the Code of the City of Wichita, Kansas, pertaining to Escaping from Custody.

ORDINANCE NO. 47-085

An ordinance amending Sections 5.64.010 of the Code of the City of Wichita, Kansas, pertaining to prisoners – escape and repealing the original of said section, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

- g) Amendments to Section 5.66.030 of the Code of the City of Wichita, Kansas, pertaining to Trespassing on City Property.

ORDINANCE NO. 47-086

An Ordinance amending Section 5.66.030 of the Code of the City of Wichita, Kansas, pertaining to trespassing upon city property, and repealing the original of said section, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

- h) Amendments to Section 5.68.140, 5.68.150, 5.68.200 and 5.68.220 of the Code of the City of Wichita, Kansas, pertaining to Lewd and Lascivious Behavior, Promoting Obscenity, Sodomy and Sexual Battery.

ORDINANCE NO. 47-087

An Ordinance amending Section 5.68.140, 5.68.200 and 5.68.220 of the Code of the City of Wichita, Kansas, pertaining to Lewd and lascivious behavior, sodomy and sexual battery; and repealing the originals of said section, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

- i) Amendments to Section 5.72.010 of the Code of the City of Wichita, Kansas, pertaining to Obstruction of Legal Process.

ORDINANCE NO. 47-088

An Ordinance amending Section 5.72.010 of the Code of the City of Wichita, Kansas, pertaining to obstructing legal process or official duty and repealing the original of said section, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

- j) Amendments to Section 5.82.010 of the Code of the City of Wichita, Kansas, pertaining to Interfere with Telephone Service.

ORDINANCE NO. 47-089

An Ordinance amending Section 5.82.010 of the Code of the City of Wichita, Kansas, pertaining to telephone service--interfering with and repealing the original of said section, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

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- k) Amendments to Section 5.83.010 of the Code of the City of Wichita, Kansas, pertaining to Unlawful Restraint.

ORDINANCE NO. 47-090

An Ordinance amending Section 5.83.010 of the Code of the City of Wichita, Kansas, pertaining to unlawful restraint and repealing the original of said section, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

PLANNING AGENDA

Motion--
--carried

Mayans moved that the Planning Consent items be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0.

ZON2005-00058

ZON2005-00058-ZONE CHANGE FROM “TF-3” TWO-FAMILY RESIDENTIAL TO “NO” NEIGHBORHOOD OFFICE. GENERALLY LOCATED WEST OF OLIVER AVENUE AT THE NORTHEAST CORNER OF CENTRAL AND CRESTWAY AVENUES. (DISTRICT I)

Agenda Report No. 06-0767

At the June 6, 2006, City Council meeting, the zone change request was unanimously approved.

The agenda sheet provided to Council for the June 6, 2006, meeting listed under Legal Considerations:

“Should the City Council approve the request an ordinance will be prepared reflecting the Council’s direction.”

The Council approved the zone change for “NO” Neighborhood Office zoning without any extra provisions of a protective overlay or any other conditions. The ordinance reflects that direction and therefore can be placed on first reading.

There are no financial considerations.

Goal Impact is to Promote Economic Vitality and Affordable Living.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Ordinance be placed on first reading and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over.

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ZON2005-00058

SUB2005-151-PLAT OF MYERS ACRES ADDITION, LOCATED SOUTH OF MACARTHUR AND EAST OF RIDGE ROAD. (COUNTY).

Agenda Report No. 06-0768

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-1)

The Planning Commissioner that voted in opposition had concerns regarding approval of the drainage plan.

This unplatted site, consisting of one lot on 6.98 acres, is located within three miles of Wichita's city limits. This site is zoned SF-20, Single-family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for future extension of City water and sanitary sewer services. A Restrictive Covenant was submitted to provide for the creation of a lot owners' association for the ownership and maintenance of the reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

There are no financial considerations.

The Goal Impact is to Ensure Efficient Infrastructure.

The Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures be authorized; and the Resolutions adopted. Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO. 06-406

Resolution of findings of advisability and resolution authorizing construction of lateral 513, southwest interceptor sewer (south of Macarthur, east of Ridge) 468-84190 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO 06-407

Resolution of findings of advisability and resolution authorizing construction of water distribution system number 448-90199(south of Macarthur, east of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried to 6 to 0, (Skelton absent).

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SUB2006-44

SUB2006-44-PLAT OF PARADISE ACRES ADDITION, LOCATED ON THE NORTH SIDE OF 31ST STREET SOUTH AND EAST OF GREENWICH ROAD. (COUNTY).

Agenda Report No. 06-0769

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This unplatted site, consisting of one lot on 5.1 acres, is located within three miles of Wichita's city limits. This site is zoned SF-20, Single-family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for future extension of City water and sanitary sewer services. The site has been approved by County Code Enforcement for the use of on-site sewer facilities.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

There are no financial considerations.

The Goal Impact is to Ensure Efficient Infrastructure.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures be authorized; and the Resolutions adopted. Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO. 06-408

Resolution of findings of advisability and resolution authorizing construction of water distribution system number 448-90208 (north of 31 Street South, east of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO 06-409

Resolution of findings of advisability and resolution authorizing construction of lateral 399, Four Mile Creek sewer (north of 31st Street South, east of Greenwich) 468-84210 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0, (Skelton absent).

RECESS

EXECUTIVE SESSION

Motion--

Mayans moved that the City Council recess into Executive Session at 9:45 a.m. to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation, legal advice and preliminary discussion relating to the acquisition of real property for public purposes and that the Council return from Executive Session no earlier than 10:05 a.m. and reconvene in the First Floor Board Room of City Hall. Motion carried 6 to 0, (Skelton absent).

--carried

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RECONVENE The City Council reconvened in the First Floor Board Room at 10:05 a.m. Mayor Mayans announced that no action was taken.

Motion--carried Mayans moved at 10:05 a.m. to close the Executive Session. Motion carried 6 to 0, (Skelton absent).

Motion--carried Mayans moved at 10:06 a.m. to close the regular meeting. Motion carried 6 to 0, (Skelton absent).

Adjournment The City Council meeting adjourned at 10:06 a.m.

Respectfully submitted,

Karen Sublett CMC
City Clerk

Workshop followed in the First Floor Board Room